

EXHIBIT 51

REDACTED

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

- - -

STATE OF TEXAS et al., : CASE NO.
: 4:20-CV-00957-
Plaintiffs, : SDJ
:
v. :
:
GOGGLE, LLC, :
:
Defendants. :
:

- HIGHLY CONFIDENTIAL -
PURSUANT TO PROTECTIVE ORDER

- - -

May 1, 2024

- - -

Videotaped deposition of [REDACTED] Ph.D.,
taken pursuant to notice, was held at the law
offices of Axinn, Veltrop & Harkrider LLP, 114 West
47th Street, New York, New York, beginning at
9:08 a.m., on the above date, before Michelle L.
Gray, a Registered Professional Reporter, Certified
Shorthand Reporter, Certified Realtime Reporter,
Certified Court Reporter and Notary Public.

- - -

Job No. MDLG6673130

1 APPEARANCES:

2
3 NORTON ROSE FULBRIGHT US LLP
4 BY: TALBOT HANSUM, ESQ.
(In person)
5 98 San Jacinto Boulevard
Suite 1100
6 Austin, Texas 78701
512.474.5201
talbut.hansum@nortonrosefulbright.com

7
8 - and -

9 NORTON ROSE FULBRIGHT US LLP
10 BY: JIANG (JOHN) WU, Ph.D., ESQ.
(In person)
11 1045 West Fulton Market
Suite 1200
12 Chicago, Illinois 60607
312.964.7800
jiang.wu@nortonrosefulbright.com
Representing the Plaintiff, State of Texas

13
14 THE LANIER LAW FIRM
15 BY: ZEKE DeROSE, III, ESQ.
(Zoom)
16 10940 West Sam Houston Parkway North
Suite 100
17 Houston, Texas 77064
713.659.5200
zeke.derose@lanierlawfirm.com
18 Representing the Plaintiffs, States of
South Carolina, Indiana, Idaho, Louisiana,
19 South Dakota, North Dakota, Texas and
Mississippi

1 APPEARANCES: (Cont'd.)

2 STATE OF TEXAS

3 OFFICE OF THE ATTORNEY GENERAL

4 BY: LUKE WOODWARD, ESQ.

5 BY: TREVOR YOUNG, ESQ.

(Zoom)

6 300 West 15th Street

Austin, Texas 78701

512.463.2100

luke.woodward@oag.texas.gov

7 trevor.young@oag.texas.gov

Representing the Plaintiff, State of Texas

8 AXINN, VELTROP & HARKRIDER LLP

9 BY: DAVID R. PEARL, ESQ.

10 BY: SANDHYA TANEJA, ESQ.

BY: SAM D. SHERMAN, ESQ.

11 (In person)

12 1901 L Street NW

Washington, D.C. 20036

202.912.4700

13 dpearl@axinn.com

staneja@axinn.com

14 ssherman@axinn.com

Representing the Defendant, Google and the
15 Witness
16
17
18
19
20
21
22
23
24
25

Page 4

1 ADDITIONAL APPEARANCES: (Cont'd.)

2
3
4 VIDEOTAPE TECHNICIANS:

5 Danny Ortega - in person

6 Jonathan Juarez - in person


7 (Golkow)

8 LITIGATION TECHNICIAN:

9 Vince Rosica - Zoom

(Golkow/Precision Trial Solutions)

10
11
12 ALSO PRESENT:

13  - in person
14 (Inhouse Google)

Jonathan Jaffe - Zoom

15 (Consultant)

16
17 - - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

THE VIDEOGRAPHER: We are now
on the record.

My name is Daniel Ortega, and
I'm the legal videographer for
Golkow Litigation Services.

Today's date is May 1st, 2024,
and the time is 9:08 a.m.

This video deposition is being
held at 114 West 47th Street, New
York, New York, in the matter of the
State of Texas et al. versus Google
LLC.

The deponent today is [REDACTED]

All counsel will be noted on
the stenographic record.

The court reporter today is
Michelle Gray and will now swear in
the witness.

- - -

... [REDACTED] Ph.D., having
been first duly sworn, was examined
and testified as follows:

- - -

EXAMINATION

1

- - -

2

BY MR. HANSUM:

3

Q. All right. Good morning, [REDACTED]

4

A. Good morning.

5

Q. [REDACTED], my name is Talbot Hansum.

6

I'm here on behalf of the states that are suing

7

Google in this case.

8

[REDACTED], can we begin by having you
state your full name for the record?

10

A. My official name is [REDACTED]

11

Last name is [REDACTED] But I go by [REDACTED] at Google.

12

Q. Okay. And I want to run through

13

some of the ground rules for a deposition.

14

Have you ever been deposed before?

15

A. No.

16

Q. Okay. So in a deposition, the court

17

reporter is recording every word that I say and

18

every word that you say.

19

I will ask you questions, and if you
will give a moment pause after my question to give
your counsel an opportunity to provide any
objections that they may have, and then proceed
with your answer.

24

Do you understand that?

25

A. Yes.

1 specific part of Google revenue
2 coming from DoubleClick for
3 Publishers.

4 BY MR. HANSUM:

5 Q. Okay. So while EDA was a yield
6 optimization technique, it also increased Google's
7 revenue; is that fair?

8 MR. PEARL: Objection. Form.

9 THE WITNESS: Yes. It
10 increased Google's revenue and also
11 publishers' revenue.

12 BY MR. HANSUM:

13 Q. Okay. How would you label cross
14 priority ranking and EDA as a -- would you call it
15 an experiment, or a feature? What would be the way
16 that you would normally label that?

17 MR. PEARL: Objection. Form.

18 THE WITNESS: It's part of
19 feature software engineer practice.
20 It start from ideas,
21 experimentation. There are other
22 failures. Some of them will
23 eventually implement and roll out
24 and become a, quote, unquote,
25 features the publisher can use.

1 And so this -- it goes -- this
2 -- either went to multiple stages
3 and over a long course of the time.

4 BY MR. HANSUM:

5 Q. That's fine. I'm trying to
6 understand just what you call these things that
7 have names. So like we talked about DRS and EDA
8 and now CPR.

9 Do you call all of those features --
10 what would you, in your day-to-day job, call those?

11 MR. PEARL: Objection. Form.

12 THE WITNESS: I think we just
13 refer just by name. So, yeah, CPR
14 is one idea to yield optimize the
15 other ideas, many other ideas. And,
16 yeah, they are all -- but either
17 refer by names will make it very
18 clear which ideas we are -- for
19 software engineer to communicate,
20 which idea we are working on.

21 BY MR. HANSUM:

22 Q. Okay. I'm going to list a couple of
23 ideas that I understand as yield optimization
24 ideas.

25 A. Okay.

1 Q. And I just want you to confirm that
2 they are.

3 A. Sounds good.

4 Q. So cross priority ranking, or CPR,
5 is a yield optimization idea; is that correct?

6 A. Yes.

7 Q. And enhanced dynamic allocation,
8 which I understand is another name for cross
9 priority ranking, is also a yield optimization
10 idea; is that right?

11 A. It should be the same as cross
12 priority ranking, but yes.

13 Q. Okay.

14 A. EDA, or enhanced dynamic allocation,
15 it's a yield optimization idea.

16 Q. Okay. And dynamic revenue share, or
17 DRS, is also a yield optimization idea; is that
18 fair?

19 A. Yes.

20 Q. Okay. And a project called Project
21 Bernanke is also a yield optimization idea; is that
22 right?

23 MR. PEARL: Objection. Form.

24 THE WITNESS: I heard of the
25 Project Bernanke, but I don't work

1 on buy-side.

2 BY MR. HANSUM:

3 Q. Okay. And UPR are unified pricing
4 rules. Have you heard of that?

5 A. Yes.

6 Q. And is that a yield optimization
7 idea?

8 A. Yes.

9 Q. Okay. And reserve price
10 optimization, or RPO, is that a yield optimization
11 idea?

12 A. Yes. That's another idea.

13 Q. Okay. So I just listed CPR, EDA --
14 you understand those to be the same thing -- DRS,
15 Bernanke, UPR, and RPO, right?

16 A. Yes.

17 I cannot speak more on Bernanke
18 since I don't work on that.

19 Q. Okay. Let's -- so we'll put
20 Bernanke aside just for a second.

21 So CPR and EDA, DRS, UPR, and RPO.

22 Sorry. Just to be clear, I didn't
23 say EPR, I said UPR.

24 A. Unified pricing rules.

25 Q. Correct, yes. Although those are

1 what -- how much they know. Our
2 client managers handle that.

3 BY MR. HANSUM:

4 Q. Does Google post the details of the
5 experiments on its web page?

6 A. Usually not. I don't think so.

7 Q. Okay. Does Google issue e-mails or
8 bulletins that let publishers and advertisers know
9 about the details of its experiment on live
10 auctions?

11 MR. PEARL: Objection. Form.

12 THE WITNESS: I don't work on
13 our site communications.

14 BY MR. HANSUM:

15 Q. Are you aware of Google issuing
16 e-mails or bulletins that let publishers and
17 advertisers know about the details of its
18 experiments on live auctions?

19 A. I don't handle client communication.

20 Q. I understand you don't handle, but
21 does that mean you're also not aware of that
22 happening?

23 A. Yeah. I'm not aware. I'm not part
24 of the communication process.

25 Q. Okay.

1 Do you consider the details of
2 Google's experiments to be Google confidential
3 information?

4 MR. PEARL: Objection. Form.

5 THE WITNESS: Can you say more
6 on the details?

7 BY MR. HANSUM:

8 Q. Do you consider information about
9 Google's experiments, like the goals or how they
10 are implemented, to be Google confidential
11 information?

12 A. Can you say more about legal?
13 What -- which part of information you think it's in
14 the scope you think?

15 Q. Well, let's take a specific example.
16 So we talked about dynamic revenue share earlier.

17 A. Okay.

18 Q. The details of how dynamic revenue
19 share works within Google's code, do you consider
20 that to be confidential?

21 MR. PEARL: Objection. Form.

22 THE WITNESS: So part of
23 the -- this intellectual property
24 involved, and also depends on which
25 part of stages we talk about before.

1 During the experimentation,
2 because there are many variants of
3 even dynamic rev shares, there's so
4 many changes, and we change the
5 algorithm all the time to tweak, to
6 maximize yield.

7 There's no one even particular
8 set that's -- can be written down.
9 And I don't know even it's
10 worthwhile, and I don't handle
11 outside communication with clients.

12 BY MR. HANSUM:

13 Q. Have you ever shared any source code
14 related to dynamic revenue sharing with someone
15 outside of Google?

16 A. Never.

17 Q. Okay. So what led us down all of
18 these questions is my question about the second
19 bullet point on the screen here of, [REDACTED]

20 [REDACTED]

21 The document says, [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 What I'm trying to understand, [REDACTED]

25 [REDACTED] is why did the project managers revising this

1

2

3

4

MR. PEARL: Objection. Form.

5

I'll caution the witness not

6

to reveal the content of any

7

communications with lawyers in your

8

response.

9

THE WITNESS: I was not with

10

AdX before this change. I was on

11

DoubleClick for Publishers.

12

So I had very little knowledge

13

on what was involved before.

14

BY MR. HANSUM:

15

Q. All right. Go down to the page

16

ending in 4871. In the --

17

A. 4871?

18

Q. Yeah. Top right. It's Page 5.

19

MR. PEARL: Do you mean 187?

20

MR. HANSUM: Sorry. 184. Let

21

me scroll over.

22

THE WITNESS: Oh, 184. That's

23

the same page. Oh, next page.

24

Okay.

25

MR. HANSUM: Next page.

HIGHLY CONFIDENTIAL

Page 345

CERTIFICATE

I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

It was requested before completion of the deposition that the witness, [REDACTED] Ph.D., have the opportunity to read and sign the deposition transcript.



MICHELLE L. GRAY,
A Registered Professional
Reporter, Certified Shorthand
Reporter, Certified Realtime
Reporter, Certified Court Reporter
and Notary Public
Dated: May 2, 2024

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)